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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,939	09/18/2007	Dirk Buchhauser	12406-225US1 P2006,1044 U	6858
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EXAMINER				
THOMAS, ALEXANDER S				
ART UNIT		PAPER NUMBER		
1783				
NOTIFICATION DATE		DELIVERY MODE		
03/28/2011		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary

Application No.

10/599,939

Applicant(s)

BUCHHAUSER ET AL.

Examiner

Alexander Thomas

Art Unit

1783

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,6,8-17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 8-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,16,17 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/14/10
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The previous rejection under 35 USC 112 has been overcome in view of the changes made to claim 1.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCormick 2003/0143423. McCormick discloses an organic electronic component (an OED) 18 on a substrate encapsulated in a dimensionally stable capsule (the glass cover plate 24), an adhesive seal 22 comprising absorbents [0027] that attaches the cover plate to the substrate, and a protective or barrier film 26 that covers the transition area from the capsule to the substrate (see Figure 1A) and is more insulating against moisture and/or oxygen than the adhesive 22; see [0033] and [0040]. Concerning the term "thin", this term is a relative term, and as such, does not distinguish over the film 26 in the reference. McCormick 2003/0143423 discloses the invention substantially as claimed; see the above rejection under 35 USC 102. However McCormick 2003/0143423 does not disclose the claimed thickness of his protective barrier film. It would have been obvious to one of ordinary skill in the art to adjust the thickness of the barrier layer 26 in McCormick 2003/0143423 to any particular thickness so as to provide a desired level of barrier properties for a particular end use since a change in size is generally recognized as being within the level of ordinary skill in the art.

Applicant argues that it would not have been obvious to select any particular barrier layer thickness because the barrier layer thickness has not been shown to be a result effective variable to achieve low permeation rates. However, this argument is not convincing. Rationale to support a rejection under 35 USC 103 may rely on logic. MPEP 2144.02. It would have been logical for one of ordinary skill in the art to realize that the thickness of a barrier layer is a result effective variable as to the permeation rate of a material through the barrier layer, i.e. the greater the thickness the longer it would take for a given material to penetrate the barrier layer. Therefore, one of ordinary skill in the art would have recognized that the thickness of the barrier layer in McCormick's product could be adjusted to provide a desired level of barrier properties.

4. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCormick as applied to claim 1 above, and further in view of Chun 6,710,542.

McCormick does not disclose "a protective film" that covers the entire exterior of the component or the use of a silicon nitride protective film. Chun discloses both of these features in his encapsulation for an organic electronic component with a protective film of silicon nitride; see column 2, lines 13-15, claim 1 and column 4, lines 47-52. It would have been obvious to one of ordinary skill in the art to use a silicon nitride film that covers the entire exterior of the component as the protective film in the primary reference in view of the teachings in the secondary reference to improve barrier properties and since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

5. Claims 16, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fazzio 7,642,642 in view of Chun 6,710,542 for the reasons of record. Applicant's arguments have been considered but are not deemed persuasive. Applicant argues the cited prior art does not show "a protective film covering the component at least in an area of transition from the capsule to the substrate". This is not convincing because Fazzio clearly shows the protective film 36 covering an area of transition from the capsule 30 to the substrate 22 in Figure 3B, for example. Applicant also argues one of ordinary skill in the art would have understood the disclosed thickness of Fazzio caulking or barrier agent to relate to only the region of the bonding agent and the gasket, and as such one would not apply the caulking or barrier layer across the top of the cap 30 in the claimed thickness. This is not convincing of patentability. The primary reference discloses a circuit 24 encapsulated in a capsule 30 having lateral areas 32 that are attached to a substrate by adhesive 34 and a protective film 36 covering the area of transition from the capsule to the substrate; see Figure 3A. The secondary reference discloses that either just the area of transition between the cap and the substrate may be covered with barrier material or the transition area plus the entire top of the product may be covered by spin coating; see column 4, lines 51-53.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Thomas whose telephone number is 571-272-1502. The examiner can normally be reached on 6:30-4:00 M-THUR.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Thomas/

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Primary Examiner
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